

MOTION INFORMATION STATEMENT

Docket Number(s): 15-3228(Con), 15-2801 (L), 15-2805 (Con)

Caption [use short title]

Motion for: Strike Appearance of James B. Coppess, AFL-CIO

National Football League Management Council
("NFLMC")

v.

Set forth below precise, complete statement of relief sought:

I seek relief as Pro Se party for motion to strike appearance of

National Football League Players' Association
("NFLPA")

American Federation of Labor and Congress of Industrial Organiza-
tions ("AFL-CIO") attorney James B. Coppess who sought to file an
amicus brief on May 31, 2016, defective by nearly six months late,
evading Local/Fed.R.App.Pr. with no proof of admittance. Petition for
panel rehearing/en banc review of Apr. 26, 2016 Order is pending.

MOVING PARTY: Michelle L. McGuirk, Appellant, Pro Se

OPPOSING PARTY: NFLPA as Appellee; Proposed Amici Curiae

☐ Plaintiff

☐ Defendant

☒ Appellant/Petitioner

☐ Appellee/Respondent

MOVING ATTORNEY: Pro Se party

OPPOSING ATTORNEY: Theodore Olson; James Coppess 202-637-5397

[name of attorney, with firm, address, phone number and e-mail]

Michelle L. McGuirk

Gibson Dunn & Crutcher, L.L.P.; 1050 Conn. Ave. Wash. DC 20036

P.O. Box 369, New York, N.Y. 10113-369

202-955-8668[tolson@gibsondunn.com][jicoppess@aflcio.com]

(646) 662-5241; [michelle_mcgurk@yahoo.com]

AFL-CIO, 815 16th Street, N.W., Washington D.C. 20006

Court/Judge/Agency appealed from: U.S. District Court, S.D.N.Y., Hon. Richard M. Berman, Case 15-cv-5916

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

☒ Yes ☐ No (explain): Pro Se Party was not served by Mr. Delinsky

Opposing counsel's position on motion:

☐ Unopposed ☐ Opposed ☒ Don't Know

Does opposing counsel intend to file a response:

☐ Yes ☐ No ☒ Don't Know

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND
INJUNCTIONS PENDING APPEAL:

Has request for relief been made below?

☐ Yes ☐ No

Has this relief been previously sought in this Court?

☐ Yes ☐ No

Requested return date and explanation of emergency:

Is oral argument on motion requested?

☐ Yes ☒ No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?

☒ Yes ☐ No If yes, enter date: Lead case 15-2801 held only on Mar. 3, 2016

Signature of Moving Attorney:

Date: June 22, 2016

Service by: ☐ CM/ECF

☒ Other [Attach proof of service]

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

Docket #15-3228 CV (CON)

-----X
NATIONAL FOOTBALL LEAGUE
MANAGEMENT COUNCIL,

Plaintiff-Counter-Defendant-Appellee,

- v. -

MOTION to STRIKE
COPPESS
APPEARANCE

NATIONAL FOOTBALL LEAGUE PLAYERS
ASSOCIATION, on its own behalf and Tom Brady
Defendant-Counter-claimant

Related: 15-2801 cv (L)
15-2805 cv (CON)

TOM BRADY, Counter-claimant

MICHELLE L. MCGUIRK, Appellant
-----X

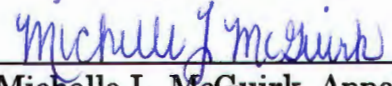
PLEASE TAKE NOTICE that upon the Affidavit of Michelle L. McGuirk, *pro se* Appellant, sworn to June 10, 2016 and all prior pleadings, I hereby move for Order of the U.S. Court of Appeals for the Second Circuit located at Thurgood Marshall U.S. Courthouse, 40 Foley Square, New York, N.Y. 10007 to strike the proposed appearance of attorney James B. Coppess entered May 31, 2016 in case 15-3228 (Docket#145) and lead 15-2801 (Docket#282). Such relief is for good cause for alleged pattern of disobeying Local Rules and Fed.R.App.Pr., avoiding proof of admittance to submit alleged non-independent *amicus curiae* brief for Appellees.

Motion is made per Fed.R.App.Pr.26(c), though counsel failed to serve me in any form, with responsive pleadings due timely per Fed.R.App.Pr.27(a)(3)(A). My May 9, 2016 Petition for Panel Rehearing and Rehearing *En Banc* is pending.

Dated: June 22, 2016

New York, New York

Respectfully Submitted,


Michelle L. McGuirk, Appellant, *Pro Se*
P.O.Box 369, New York, N.Y.10113-369

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U.S. COURT OF APPEALS
SECOND CIRCUIT
NIGHT 2

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

Docket #15-3228 CV (CON)

-----x
NATIONAL FOOTBALL LEAGUE
MANAGEMENT COUNCIL,

Plaintiff-Counter-Defendant-Appellee,

- v. -

AFFIDAVIT in SUPPORT:
MOTION TO STRIKE
COPPESS
APPEARANCE

NATIONAL FOOTBALL LEAGUE PLAYERS

ASSOCIATION, on its own behalf and Tom Brady
Defendant-Counter-claimant

Related Cases: 15-2801 cv (L)
15-2805 cv (Cons)

TOM BRADY,

Counter-claimant

MICHELLE L. MCGUIRK,

Appellant

-----x
STATE OF NEW YORK, COUNTY OF NEW YORK ss:

I, Michelle L. McGuirk, Appellant of full age, declare under penalty of perjury the following is true or to the best of my knowledge if based on information and belief:

1. I filed a Motion to Intervene [JA11,Dkt#84] per Fed.R.Civ.Pr.60 in District Court 15-cv-5916 seeking relief for alleged fraud-on-the-court, with relief denied Sept. 9, 2015 by Hon. Berman and timely appealed on Oct. 14, 2015 [Dkt#1].

2. I filed Appellant's Brief on Nov. 23, 2015 (15-2801:Dkt#120). Winston & Strawn, L.L.P. filed answering brief for NFLPA and Tom Brady on Dec. 7, 2015 (Dkt#63). Bancroft PLLC filed NFLMC's reply brief on Dec. 21, 2015 (Dkt#70).

3. Case 15-2801 as NFLMC v. NFLPA was argued Mar. 3, 2016. On Apr. 25, 2016, a Summary Order affirmed denying my appeal (Dkt#118;15-2801,Dkt238).

4. I filed a Memo of Law in Support of Petition for Panel Rehearing and Rehearing *En Banc* on May 9, 2016 (Dkt#123); Citations, Rules, Laws and Statutes on May 16, 2016 (Dkt#136) and motion for leave to file on May 27, 2016 (Dkt#158).

5. Gibson Dunn & Crutcher, L.L.P. ("GD"), pending an opposed motion to strike appearances (Dkt#125;15-2801:Dkt#154,258), sought time to consider filing for rehearing (15-2801:Dkt#250) that was granted May 3, 2016 (Dkt.#257). On May 23, 2016, a Petition for Rehearing or Rehearing *En Banc* (Dkt#130;#265) was filed. Four *amicus* briefs were then submitted for their clients NFLPA and Tom Brady.

6. DeMaurice F. Smith, NFLPA President, was added as named counsel to ¶5s Petition despite no Notice of Appearance, *pro hac vice* or other Court motion.

7. On May 31, 2016, James B. Coppess, American Federation of Labor and Congress of Industrial Organizations ("AFL-CIO") lawyer, filed notice to appear for *amicus* Appellees (Dkt#145;15-2801:Dkt#282) stating admittance to this Court, requiring knowledge/compliance with Federal, Local and Professional conduct rules.

8. Mr. Coppess was granted a law license by the State of Georgia on June 14, 1979 whose dues-paying, inactive status permits no practice in that State; and by the District of Columbia on June 23, 1981, with no known New York law license.

9. Mr. Coppess appeared in this Court in case 11-2262, *Gally v. National Labor Relations Board*, as AFL-CIO employee for non-party International Union, UAW permitted to intervene (Dkt#21) after evading leave of the U.S. District Court. Mr. Coppess' added appearance (Dkt#62-1) claims he applied for admission Dec. 1, 2011, despite no docket filing or fees. The Summary Order (Dkt#99-1) and Amended Summary Order (Dkt#106) after grant of rehearing named his union client as party.

10. Mr. Coppess appeared in 12-1199, *Palma v. National Labor Relations Board*, as co-counsel to National Immigration Law Center, whose general counsel

Linton Joaquin's Corrected Acknowledgment and Notice to Appear (Dkt#15) added Mr. Coppess for the AFL-CIO despite being non-party to proceedings and prior to his leave to appear. He stated admittance to this Court on Dec. 1, 2011 (Dkt#22).

11. Notice in ¶7 allegedly evades compliance as it: i) defies Fed.R. App.Pr. 29(e) for *amicus* briefs by failing to file for leave despite nearly six months late; ii) deceptively adds *amicus* as party per Fed.R.App.Pr. 29(b) without paying fees; iii) omits case 15-3228; iv) fails to name Appellees; v) lack alleged admission date; vi) lacks authentic signature as initial document per Local Rule 25.1(a)(1)(C) and v) lacks Certification with no service to me required per Local Rule 25.1(h)(4).

12. Mr. Coppess failed to file motion with proof of admittance, *pro hac vice* status or pay fees. *Amicus* briefs were due nearly six months ago. To my knowledge, the Court is not a smorgasbord for lawyers to pick-n-choose *when* or *how* they file.

13. AFL-CIO, a non-profit with tax ID#53-0228172, had \$89 million in assets, \$1.5 million equity and \$159 million revenue per 2013 Form 990

14. Mr. Smith's role at named party in ¶6 has material undisclosed ties to *amicus* brief as member of AFL-CIO's Executive Committee per online profile.

15. Responses are due within ten days of service per F.R.A.P. 27(a)(3)(B).

Sworn to before me this 10TH day of
JUNE, 2016.

Benjamin Steinberg
Notary Public

Dated: June 10th, 2016

Michelle L. McGuirk
Michelle L. McGuirk Appellant *Pro Se*
P.O. Box 369, New York, NY 10113-369

Benjamin Steinberg
Notary Public, State of New York
No. 02ST6042665
Qualified in Bronx County
Commission Expires May 30, 2018

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

Docket #:15-3228 cv (CON)

NATIONAL FOOTBALL LEAGUE
MANAGEMENT COUNCIL,

Plaintiff-Counter-Defendant-Appellee,

- v. -

NATIONAL FOOTBALL LEAGUE PLAYERS

ASSOCIATION, on its own behalf and Tom Brady

Defendant-Counter-claimant

TOM BRADY,

Counter-claimant

MICHELLE L. MCGUIRK,

Appellant

**AFFIDAVIT
OF SERVICE**

Related: 15-2801 cv (L)
15-2805 cv (Cons)

STATE OF NEW YORK, COUNTY OF NEW YORK ss:

I, Michelle L. McGuirk, Appellant, of full age, declare under penalty of perjury on June 22, 2016, a copy of i) Notice of Motion; ii) Form T-1080; iii) Affidavit in Support: Motion to Strike Coppess Appearance was served by U.S. priority mail in a postage-paid envelope under the exclusive custody of the U.S. Postal Service to:

Daniel L. Nash - Attorneys for NFLMC c/o Akin, Gump, Strauss, Hauer & Feld, LLP 1333 New Hampshire Avenue, NW Washington, DC 20036	Jeffrey L. Kessler - Attorneys for NFLPA c/o Winston & Strawn, LLP 200 Park Avenue New York, N.Y. 10166
Theodore B. Olson - Attorney for NFLPA Andrew S. Tulumello - Atty. for Tom Brady c/o Gibson, Dunn & Crutcher, LLP 1050 Connecticut Avenue, NW Washington, DC 20036-5303	Gregg H. Levy - Attys. for Roger Goodell c/o Covington & Burling, LLP One CityCenter, 850 Tenth Street, NW Washington, DC 20001-4956
Paul D. Clement - Attorneys for NFLMC c/o Bancroft PLLC 500 New Jersey Avenue NW, Suite 700 Washington DC 20001	James B. Coppess - Atty. for Alleged Amicus American Federation of Labor and Congress of Industrial Organization 815 16 th Street, N.W. Washington, D.C. 20006

Sworn to before me this 22 day of
June, 2016.

Dated: June 22nd, 2016

Maxine White
Notary Public

Michelle L. McGuirk
Michelle L. McGuirk, Appellant Pro Se
P.O. Box 369, New York, NY 10113-369

MAXINE WHITE
Notary Public - State of New York
NO. 01WH6238055
Qualified in Kings County
My Commission Expires Mar 28, 2019